

PS/ED COMMITTEE #1  
October 24, 2013  
**Update**

**MEMORANDUM**

October 22, 2013

TO: Public Safety Committee  
Education Committee

FROM: Essie McGuire, Senior Legislative Analyst *EWG*  
Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Update – School Bus Camera Implementation**

Today the Public Safety and Education Committees will receive an update on the implementation of the school bus camera program. Assistant Chief Betsy Davis as well as other representatives from the Montgomery County Police Department (MCPD) and representatives from the Montgomery County Public Schools (MCPS) will be present for this discussion.

In March 2012, the Council passed legislation enabling the County to implement school bus safety cameras. The purpose of the cameras on the school buses is to monitor and enforce violations where vehicles pass a stopped school bus that has its flashing signals, stop sign, and stop arm extended. The County Office of Management and Budget estimated at that time that program implementation could range from 6-18 months depending on the type of system procurement ultimately employed.

In response to Committee Chair Ervin's inquiry and additional request for update information, MCPD prepared the overview information attached at circles 1-4, including a summary of the assessment and steps conducted since March 2012. **At this time, MCPD has a goal to have school bus safety cameras installed and active by January 3, 2014.**

MCPD prepared a timeline of implementation activities (circles 2-3) and can give the Committees an overview of the status of the efforts to implement the program. MCPD states that it is currently on schedule with the projected timeline and is working through the procurement process at this time. A Memorandum of Understanding (MOU) has been agreed to by MCPD and MCPS, and is currently in review by the County Attorney to be finalized shortly. A draft of the implementing regulation is being reviewed by OMB. MCPD reports that the Police and the school system have worked collaboratively to develop the practices, responsibilities, and protocols between both agencies.

The initiative will provide 25 cameras on school buses and wiring for an additional 75 school buses so that cameras can be moved among high priority routes as needed. The County anticipates having the ability to purchase up to 75 additional cameras over the life of the contract. The Chief Judge for the District Court has set the fine for school bus violations at \$125.

In addition to the overview status update, the Committee may want more discussion on the following issues.

**Funding:** No funds have been appropriated specifically for this initiative. On circle 4, MCPD reports that the Chief Administrative Officer has authorized the Police Department to use available operating funds and that if funds are insufficient during this fiscal year the County will address the issue as it arises. MCPD also reports that the department intends to use existing personnel to manage and operate the program, and that additional staffing will be requested if the need arises.

**It will be important to monitor the impact on the Police Department's funding and staffing.** Council staff agrees that it is difficult to assess at this time whether existing Automated Traffic Enforcement resources will be able to absorb this effort, but it will be important to understand the impact as FY15 budget deliberations begin in the spring.

**Projected revenue:** There are many variables that complicate efforts to accurately project revenue from the program at this time. There are few other jurisdictions with experience with this automated enforcement system. MCPD reports that only one other Maryland jurisdiction, Frederick County, has an active school bus camera program, and that it has issued a total of 4 automated violations since it began in September 2012. Another factor is that the State law authorized the District Court to receive all fines for contested violations, so County revenue will come only from those violations that do not go to court. It is difficult to project that ratio as well.

Ultimately, the revenue will depend on a combination of the structure of the contract with the vendor, which is still being negotiated, and eventual violations. Both the initial Council packet on the County's authorizing legislation and the MCPD response on circle 1 caution that revenue may not be sufficient to recover the cost of the program. Revenue will need to be a consideration in future budgets, although clearly the primary objective of the program is to ensure safety.

**Public Education:** An important feature of implementing the school bus camera program will be public education and outreach to increase awareness of the law and the new enforcement measures. MCPD states that its intent is to develop a multi-platform campaign to begin the first week of December (circle 4). **The Committees may want to hear more about what is planned for this effort.**

**1. Please provide a brief explanation of the delay in implementation of the school bus camera program.**

On October 1, 2011, Senate Bill 679 was enacted into law. This legislation authorizes the County's Chief of Police, after consulting with the Board of Education, to install cameras on Montgomery County Public School buses to monitor traffic. Subsequently, on March 6, 2012, the Montgomery County Council unanimously passed Bill 37-11 enabling the County to begin exploring implementing School Bus Safety Cameras in our community.

Since the time of the enabling legislation, the Police Department, with support from other County agencies, has been performing assessment and exploring the steps necessary to implement this program in our County. Although the use of automated enforcement is well established both nationally and within the County, utilizing cameras mounted on school buses is relatively new in the industry. Our research discovered only a handful of existing programs nationally were in existence and that there were no formal assessments and information available.

Our assessment of programs surveyed found the automated traffic enforcement systems monitoring school buses detected a disproportionately low number of violations compared to other uses of the technology (speed and red-light cameras). Furthermore a review of the contract information from other programs identified that the vendors were frontloading the costs of these camera systems in the contracts in order to minimize their exposure to risk due to the lack of established enforcement history and a low number of violations encountered.

A critical part of the process to bring School Bus Safety Cameras into the County was to provide an accurate fiscal-impact statement. To date, the Department has been unable to ascertain sufficient information to accurately assess the fiscal impact on the County. Variables such as insufficient information regarding enforcement activity combined with the District Court receiving all revenues derived from contested tickets and the unknown vendor costs due to being required to utilize an RFP process has made it impractical to be able to reasonably forecast the fiscal impact of the program. Although I have great confidence that our County will out-perform other community programs, I nonetheless believe that the safest assumption would be that the County will *not* recoup the entire cost to operate this program but rather rely on revenues from the other automated-enforcement programs to offset any potential loss derived by the School Bus Safety Cameras.

The Department identified three options to acquire School Bus Safety Cameras into the County:

- We could bridge another jurisdiction's competitively solicited contract
- We could amend our existing Automated Traffic Enforcement contract
- We could go out to Requests for Proposal (RFP)

Our agency first explored bridging a contract, which would be the easiest means to accomplish our goal. In **July 2012**, Frederick County, which introduced the Senate legislation, signed a contract with our current vendor (Xerox Corporation). Although we were optimistic about bridging the contract, the terms of the contract were reviewed and provisions were deemed to be not in the best interest of the County.

Since that time, the Department explored several options to amend the contract because the previous Automated Traffic Enforcement RFP elapsed over 1.5 years to complete. It was Captain Didone's desire to find an expedited way to accomplish this so that we can continue to benefit from the economies of scale and consolidated management from our current vendor.

The Office of the County Attorney was consulted regarding each proposal to amend the existing contract, which was our preferred option. Unfortunately Department was unsuccessful in identifying an amendment option that the Office of County Attorney could support thus leaving the RFP process as the only viable option.

In high insight, if Captain Didone had known that we were not going to be able to amend the contract we would have began the RFP process at the end of July 2012. That being said, thanks to the expedited procurement process we should complete the RFP process in the same timeline as would have elapsed through a regular procurement.

**2. Please provide an update on the current status and timeline of activities anticipated to implement the program.**

The Police Department, with the full support of the Department of General Services and the Office of the County Attorney, has executed an RFP solicitation that has a goal to have the school bus safety cameras installed and active by January 3, 2014.

This is the timeline projected and the Department is currently on schedule:

- OSC PANEL DATES. IT IS MANDATORY FOR YOU TO ATTEND THE FOLLOWING DATES.
- OCTOBER 7, 2013 VENDORS SUBMISSIONS ARE DUE TO PROCUREMENT BY 1:00 PM.
- OCTOBER 8 AND 9, 2013 GRADE SUBMISSIONS AND PICK TOP 3 VENDORS
- OCTOBER 10, 2013 QSC WRITTEN EVALUATION
- OCTOBER 15, 2013 2 VENDORS DEMO AND INTERVIEW AND OCTOBER 16, 2013 IN THE MORNING 3 VENDOR DEMO AND INTERVIEW.
- OCTOBER 17, 2013 RECOMMENDATION TO NEGOTIATE AT PROCUREMENT BY NOON.
- OCTOBER 21, 2013 – NEGOTIATIONS COMPLETED – MEMO TO PROCUREMENT WITH THE NAME OF THE PROPOSED AWARDEE.
- OCTOBER 22, 2013 POSTING
- OCTOBER 28, 2013 COMPLETE CONTRACT TO PROCUREMENT BY 2:00 PM

- NOVEMBER 4, 2013 CONTRACT EXECUTION
- NOVEMBER 5, 2013 NOTICE TO PROCEED
- TARGETED COMPLETION DATE JANUARY 1, 2014

**3. Please provide an overview of how the program will be implemented, including the numbers of cameras and buses, how citations will be determined and reviewed, and the cost of the citation.**

The Department is recommending a “slow grow” approach to implementing the school bus safety camera program. Initially, 25 cameras will be installed on school buses and an additional 75 school buses will be wired so that the 25 cameras can be moved to the other buses as needed. The RFP allows the County to purchase up to 75 additional cameras through the life of the contract.

Currently, there are over 1100 Montgomery County School Buses in the fleet. The Police Department and the Transportation Department of the Montgomery County Public Schools will work collectively to monitor and manage the program to ensure that these cameras are installed on the buses that are most likely to be passed by drivers. Our analysis of previous data identified 20 bus routes in which school bus drivers reported at least 10 violations during a three-year period.

The School Bus Safety Cameras activate when the school buses stopped and the stop arm, with the flashing red signals is extended. Any vehicle that passes the school bus from behind or by the front on roadways that don’t have a center median will be detected and videotaped. These violations will be electronically transferred to the vendors processing center just like they are for a red light and speed camera programs. The vendor will process these violations in accordance with the Department’s business rules then transferred to be Automated Traffic Enforcement Unit (ATEU). ATEU personnel will review citations for quality and accuracy and approve the violations for issuance. The County will completely manage this program as is the case with our red light and speed camera programs.

Although the legislation authorized fines not to exceed \$250, Chief Judge for the District Court exercised his authority and established the fine for the school bus violations at \$125. Is my understanding that the Chief Judge was concerned about the workload that would be placed on the courts so we set the fine at this level so that it would be an effective deterrent but not too high so that all violators would go to court. As you may be aware the legislation authorized the District Court to receive all fines for contested citations so I believe that the judge’s decision will be mutually beneficial to the County and the courts.

**4. Please provide an update on the status of the MOU, and a copy, if possible. Please also provide an update on the status of the associated regulation and the anticipated timeline for completion.**

Both the MOU and the Executive Regulation have been drafted and are in the process of completion. The Executive Regulation is currently in the Office of Management and Budget awaiting a finalized fiscal impact statement. MOU has been reviewed and agreed upon by the Police Department and Montgomery County Public Schools but it still needs to be sign and approved by the CAO.

**5. What is the expected plan for funding this initiative?**

The CAO authorized the use of operating funds, which are currently unencumbered, and advised that we would address the issue at the end of the fiscal year if a shortfall occurred.

**6. Will MCPD have any dedicated departmental staff to support this program?**

The Police Department is planning on utilizing the existing personnel assigned to the Automated Traffic Enforcement Unit to manage and operate the program until an accurate assessment on workload can be performed. The Department will make the necessary requests for additional staffing if/when the need arises.

**7. Please provide available information On Other Maryland jurisdictions that have school bus camera programs.**

Currently, it is our understanding that only Frederick County has an active School Bus Safety Camera Program in the State. Recently, Washington County and Prince George's County have completed RFP's for their jurisdiction but the status of their program is unknown.

It is our understanding that Frederick County has only issued four (4) automated school bus citations to violators since beginning their program in September 2012.

**8. Please provide an overview and timeline of anticipated public education activities for the school bus camera program.**

The Police Department, through the Media Services and Public Information Office, will develop a multi-platform education campaign that will include printed educational materials along with multimedia products that can be distributed and shared electronically via the internet and social media. We will invite representatives from MCPS to participate. Our plan is to launch this campaign during the first week in December.